



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVENUE, NW
WASHINGTON, DC 20004**

SUMMARY REPORT

**GOLD KING MINE INCIDENT (ANIMAS RIVER)
OI-HQ-2015-CFR-0108**

**OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS**

CASE NO.: OI-HQ-2015-CFR-0108

DATE OPENED: August 13, 2015

CASE TITLE: GOLD KING MINE INCIDENT
(ANIMAS RIVER)

CASE AGENT: (b) (6), (b) (7)(C)

CASE CATEGORY: Employee Integrity

OFFICE: San Francisco Field Office
Denver, Colorado

JOINT AGENCIES: None

JURISDICTION: District of
Colorado

Introduction

The United States Environmental Protection Agency (EPA) Office of Inspector General (OIG) Office of Investigations (OI) conducted an investigation related to the August 5, 2015 release of mine water at the Gold King Mine (GKM) in response to the following:

1. In an August 12, 2015, letter to Inspector General Arthur A. Elkins Jr., Representatives of the Committee on Oversight and Government Reform, House of Representatives, Congress of the United States, requested the EPA OIG to conduct an independent investigation of the August 5, 2015 release of approximately three million gallons of mine water from the GKM in Silverton, Colorado.
2. In a September 2, 2015, letter to the OIG, (b) (6), (b) (7)(C), Colorado Department of Natural Resources (DNR), identified seven assertions alleged to be factually inaccurate that were made in a report (b) (6), (b) (7)(C) regarding DNR's roles and responsibilities with respect to the release of mine water from the GKM on August 5, 2015.

3. In a September 18, 2015, letter to the OIG, Mark Brnovich, Attorney General (AG) for the state of Arizona, requested the EPA OIG to review the timeliness and methods of notification made to affected downstream stakeholders of the GKM following the release.

Upon receipt of the letters referenced above, the EPA OIG OI conducted an investigation and produced three Reports of Investigation (ROI). This document is a summary designed to give an overview of the OI investigative efforts related to the GKM; it does not contain details of the specific allegations investigated.

Background

On August 5, 2015, representatives from the EPA and its contractors Environmental Restoration, LLC (Emergency and Rapid Response Services) and Weston Solutions, Inc. (Superfund Technical Assessment & Response Team) were conducting work at the GKM to assess the on-going water release from the mine, treat mine water, and assess the feasibility of further mine remediation. While excavating above the adit (an almost horizontal passage leading into a mine for the purposes of access or drainage), water began leaking, ultimately leading to the uncontrolled release of approximately three million gallons of mine water from behind the adit blockage into Cement Creek, a tributary of the Animas River.

On August 4, 2015, excavation was conducted in the area leading up to and alongside the GKM adit to remove consolidated soil and debris. The excavation goal was to expose, but not remove, the adit blockage. During this excavation, the adit blockage and mine timbers were exposed.

On August 5, 2015, excavation resumed above the previously exposed GKM adit blockage. During this excavation: (a) the ramp built to excavate above the GKM adit blockage made contact with the blockage, (b) the excavated soil from above the adit "buried" the adit blockage, (c) a large rock fell down and away from the unexcavated soil, and (d) water began to spurt out at or just slightly above the GKM adit brow. It took approximately 3-4 minutes for the spurt to grow into a flow of discolored water, and then took approximately 1 hour before the peak flow subsided.

Synopsis

The three ROIs, reporting specific allegations and investigative results, are as follows:

1. As a result of the letter dated August 12, 2015, from the House Oversight and Government Reform Committee, Inspector General Elkins requested OI to determine whether any EPA employees or contractors engaged in criminal or administrative misconduct in connection with the GKM incident. (b) (6), (b) (7)(C)

[REDACTED]

The United States Attorney's Office (USAO) for the District of Colorado declined criminal prosecution (b) (6), (b) (7)(C) for potential violations of 18 U.S.C. § 1001 (False Statements) and 33 U.S.C. § § 1311 and 1319 (Direct Discharge to Waters of the United States.) This ROI is being submitted to EPA senior management

for review and for EPA to take whatever administrative actions deemed appropriate regarding (b) (6), (b) (7)(C) potential administrative misconduct.

2. As a result of the letter dated September 2, 2015, from the Colorado DNR, OI conducted an investigation to determine whether any (b) (6), (b) (7)(C) engaged in misconduct by falsifying information in the report issued by (b) (6), (b) (7)(C) a potential violation of 18 U.S.C. § 1001 (False Statements). OI uncovered no evidence that (b) (6), (b) (7)(C) engaged in misconduct. This ROI is being issued to EPA senior management for any corrective action deemed appropriate.
3. As a result of the letter dated September 18, 2015, from the Arizona AG, OI conducted an investigation to determine whether there was a delay in reporting the mine water release from the GKM to affected downstream stakeholders a potential violation of 42 U.S.C. § 9603(a) (Notification Requirements Respecting Released Substances). OI uncovered no evidence that any of the EPA employees involved in the reporting of the mine water release from the GKM to affected downstream stakeholders engaged in misconduct regarding said reporting; rather, OI found that the reporting was done in accordance with proper spill notification procedures. This ROI is being submitted to EPA senior management for informational purposes only.

In an effort to gather all available information concerning possible criminal and administrative misconduct connected to the GKM incident, OI Special Agents interviewed (b) (6), (b) (7)(C), (b) (7)(E) In addition, OI special agents reviewed hundreds of emails and documents.

The USAO for the District of Colorado was consulted during all stages of the investigation.

During the course of this investigation, OI also investigated under a separate investigative cover a potential threat allegation made against a federal employee tasked with assisting in the response to the mine water release. The USAO for the District of Arizona was consulted on this matter and declined prosecution, and the investigation was subsequently closed.

Possible criminal violations:

18 U.S.C. § 1001: False Statements

33 U.S.C. § § 1311 & 1319: Direct Discharge to Waters of the United States

42 U.S.C. § 9603(a): Notification Requirements Respecting Released Substances




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVENUE, NW
WASHINGTON, DC 20004

March 29, 2017

MEMORANDUM

SUBJECT: Gold King Mine Incident (Animas River/Colorado Department of Natural Resources Allegation)

FROM: Patrick Sullivan 
Assistant Inspector General
Office of Investigations

TO: Mike Flynn
Acting Deputy Administrator
United States Environmental Protection Agency

Attached is a copy of our Report of Investigation (ROI) on the above-captioned subject. The United States Environmental Protection Agency (EPA) Office of Inspector General Office of Investigations (OI) conducted an investigation related to the August 5, 2015 release of mine water at the Gold King Mine (GKM) in response to a September 2, 2015, letter from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Colorado Department of Natural Resources (DNR). (b) (6), (b) (7)(C) identified seven assertions alleged to be factually inaccurate that were made in a report issued by the EPA Internal Review Team (EPA Team) regarding DNR's roles and responsibilities with respect to the release of mine water in possible violation of:

18 U.S.C. § 1001 (False Statements)

The investigation did not support that Assertions 1 and 4-7 regarding the roles and responsibilities played by the Colorado Division of Reclamation Mining & Safety (DRMS) a division within DNR surrounding the release of mine water from the GKM on August 5, 2015, were factually inaccurate. The investigation did support that Assertion 2, that is "for the Adit, a determination of no or low mine water pressurization was made by experienced professionals from EPA and the DRMS," was inaccurately reported. The investigation was inconclusive as to whether Assertion 3, that is " [t]he DRMS experts (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) who supported the removal investigation..." was factually inaccurate. OI uncovered no evidence that any member of the EPA Team engaged in misconduct.

The facts and circumstances surrounding the DRMS letter authored by (b)(6), (b)(7)(C) were provided to Assistant United States Attorney Matthew Kirsch, Chief, Criminal Division, United States Attorney's Office, District of Colorado, Denver, Colorado, for prosecution consideration.

(b)(6), (b)(7)(C), (b)(5)

(b)(5)

Therefore, his office declined prosecution in this matter.

This ROI is being issued to EPA senior management for any corrective action deemed appropriate.

In considering administrative action, your attention is directed to the EPA Conduct and Discipline Manual, EPA Order 3120.1, which prescribes policies for administering disciplinary action within the agency. The manual contains a list of offenses with suggested penalties, although the list is not intended to be all inclusive. For offenses not included, penalties may be imposed consistent with penalties contained in the manual for offenses of comparable gravity.

The information on the Conduct and Discipline Manual is provided to assist you in determining what action, if any, is warranted; however, it does not constitute a "charge". It is the responsibility of the action official alone to evaluate the information contained in the report and decide whether action under any part of the Conduct and Discipline Manual is appropriate.

It is recommended that you contact the Regional Human Resources Office for any necessary guidance about personnel regulations.

In order that we may satisfy our reporting requirement to Congress and the Administrator, please advise this office within 30 days of any administrative action taken or proposed by you in this matter. This report is "For Official Use Only" and its disclosure to unauthorized individuals is prohibited. Portions of it may be used by appropriate officials for administrative action. Please return our report after your review of this matter is completed.

Should you have any questions, particularly regarding the investigative report, please free to call either (b)(6), (b)(7)(C)

(b)(6),

(b)(7)

Attachment: Report of Investigation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVENUE, NW
WASHINGTON, DC 20004

REPORT OF INVESTIGATION CONCERNING

GOLD KING MINE INCIDENT (ANIMAS RIVER/COLORADO DEPARTMENT OF
NATURAL RESOURCES ALLEGATION)
OI-HQ-2015-CFR-0108

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Distribution:

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Informational Purposes Only
No Attachments

Submitted by:
(b)(6), (b)(7)(C)

Office of Investigations

Approved by:
(b)(6), (b)(7)(C)

Office of Investigations

Reviewed by:

Patrick Sullivan
Patrick Sullivan
Assistant Inspector General
Office of Investigations

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.: OI-HQ-2015-CFR-0108

DATE OPENED: August 13, 2015

CASE TITLE: GOLD KING MINE INCIDENT
(ANIMAS RIVER/COLORADO
DEPARTMENT OF NATURAL
RESOURCES ALLEGATION)

CASE AGENT: (b) (6), (b) (7)(C)

CASE CATEGORY: Employee Integrity

OFFICE: San Francisco Field Office
Denver, Colorado

JOINT AGENCIES: None

JURISDICTION: District of
Colorado

SECTION A - NARRATIVE

Introduction

The United States Environmental Protection Agency (EPA) Office of Inspector General (OIG) Office of Investigations conducted an investigation related to the August 5, 2015, release of mine water at the Gold King Mine (GKM) in response to a September 2, 2015, letter to the OIG from (b) (6), (b) (7)(C), Colorado Department of Natural Resources (DNR). The letter identified seven assertions alleged to be factually inaccurate that were made in a report (b) (6), (b) (7)(C) regarding DNR's roles and responsibilities with respect to the release of mine water from the GKM on August 5, 2015. (Exhibit 1)

Synopsis

The investigation did not support that Assertions 1 and 4-7 regarding the roles and responsibilities played by the Colorado Division of Reclamation Mining & Safety (DRMS) a division within DNR surrounding the release of mine water from the GKM on August 5, 2015, were factually inaccurate. The investigation did support that Assertion 2, that is "for the Adit, a determination of no or low mine water pressurization was made by experienced professionals from EPA and the DRMS," was inaccurately reported. The investigation was inconclusive as to whether Assertion 3, that is "[t]he DRMS experts (b) (6), (b) (7)(C) who supported the removal investigation..." was factually inaccurate.

Possible violations:

18 U.S.C. § 1001: False Statements

Background

On August 4 - 5, 2015, representatives from the EPA and its contractors Environmental Restoration, LLC (Emergency and Rapid Response Services) and Weston Solutions, Inc. (Superfund Technical Assessment & Response Team) were conducting an investigation of the GKM to assess the on-going water release from the mine, treat mine water and assess the feasibility of further mine remediation. On August 5, 2015, while excavating above the adit (an almost horizontal passage leading into a mine for the purposes of access or drainage), water began leaking, ultimately leading to the uncontrolled release of approximately three million gallons of mine water from behind the adit blockage into Cement Creek, a tributary of the Animas River.

According to the EPA Team's Summary Report (Report), the GKM began operations sometime in the 1880s and continued operations until the 1900s, when it was closed. Mining had occurred at the GKM at seven different elevations through three adits: Level 7, Number 1 and the Sampson. The American Tunnel was constructed in the early-to-mid- 1900s below the GKM, as well as the nearby Red & Bonita Mine. Until its closure, the American Tunnel had effectively drained the GKM and the Red & Bonita Mine. (Exhibit 2)

In 1986, Colorado issued a permit authorizing work at the GKM historic interconnected adits. A new adit was driven at the GKM to bypass a collapse in the original GKM Level 7 adit. This original GKM Level 7 adit was the site of the August 5, 2015, release.

The Report indicated that sometime in 2005, following the 2002 closure of the American Tunnel, the Red & Bonita Mine began discharging mine water at an approximate rate of 300 gallons per minute (gpm), and the GKM adit saw an increase in flow rate from approximately 42 gpm in July 2005 to 135 gpm in September 2005. In October 2006, the mine water flow rate at the GKM adit had increased to 314 gpm. In 2007, mine water at the GKM Level 7 adit breached the discharge ditch, resulting in conditions that led to a slope failure that ultimately filled the North Fork of Cement Creek with mine waste.

In 2008, DRMS constructed a discharge diversion structure to prevent future mine water saturation at the GKM Level 7 adit. In 2009, DRMS developed a plan that called for:

- 1) all four GKM adits to be backfilled; and
- 2) a pipe to be installed to divert the discharge.

Between 2009 and 2011, the GKM Level 7 mine saw a decrease in average flow rates from approximately 200 gpm to 140 gpm.

In 2014, the EPA planned to expose the GKM adit and was working with DRMS and the Animas River Stakeholder Group (ARSG) to identify actions that might be needed to reduce contaminant loading at Cement Creek and downstream waters. On September 11, 2014, prior to the beginning of site work, the flow rate was reportedly less than 13 gpm. Excavation work in 2014 discovered pipes in the adit tunnel blockage, and additional pipes were installed into the same blockage, which were used to capture ongoing mine water

drainage. This excavation work was suspended after the adit was backfilled and compacted with additional loads of crushed rock to maintain a stable surface at the adit for potential future work.

In 2015, the EPA resumed its plan to reopen the GKM adit. In January and May 2015, the ARSG held public meetings at which the EPA and DRMS presented their plans for work to be completed at the Red & Bonita Mine. Because the Red & Bonita Mine and the GKM were interconnected, once the bulkhead at the Red & Bonita Mine was installed, the process to open the GKM was to commence.

On August 4, 2015, excavation began in the area leading up to and alongside the GKM adit to remove consolidated soil and debris. The excavation goal was to expose, but not remove, the adit blockage. During this excavation, the adit blockage and mine timbers were exposed.

On August 5, 2015, excavation resumed above the previously exposed GKM adit blockage. During this excavation: (a) the ramp built to excavate above the GKM adit blockage made contact with the blockage, (b) the excavated soil from above the adit “buried” the adit blockage, (c) a large rock fell down and away from the unexcavated soil, and (d) water began to spurt out at or just slightly above the GKM adit brow. It took approximately 3 - 4 minutes for the spurt to grow into a flow of red/orange water. It then took approximately 1 hour before the peak flow subsided.

Details

Allegation 1: In a September 2, 2015, letter to the OIG, (b) (6), (b) (7)(C) identified seven assertions alleged to be factually inaccurate made in a report issued by (b) (6), (b) (7)(C) regarding DNR’s roles and responsibilities with respect to the release of mine water from the GKM on August 5, 2015.

Allegation 1 Findings: Assertions 1 and 4-7: Not supported. Assertion 2: Supported. Assertion 3: Inconclusive.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

On August 24, 2015, (b) (6), (b) (7)(C) released its Report regarding its assessment of the events and potential factors contributing to the blowout from the GKM on August 5, 2015.

Assertion 1: (b) (6), (b) (7)(C) initially asserted that DRMS did not have any authority to manage, assess or approve any work at the GKM, but (b) (6), (b) (7)(C) did not point to specific statements in the report alleging that it had. A review of the Report did not identify that DRMS personnel managed, directed or authorized any activity at the GKM.

Assertion 2: (b) (6), (b) (7)(C) referred to the following quote from the Report, "[f]or the Adit, a determination of no or low mine water pressurization was made by experienced professionals from EPA and the DRMS" and asserted that DRMS did not make any determination of mine water pressure at the GKM.

During the course of this investigation, (b) (6), (b) (7)(C) were interviewed (b) (6), (b) (7)(C), they conceded that DRMS had not participated in any preliminary efforts to ascertain mine water pressure at the GKM. However, the investigation could not identify which (b) (6), (b) (7)(C) actually reported the inaccurate sentence (b) (6), (b) (7)(C)

(Exhibit 3)

Assertion 3: (b) (6), (b) (7)(C) referred to the following quote from the Report "[t]he DRMS experts (b) (6), (b) (7)(C) who supported the removal investigation..." and asserted that DRMS staff did not support the removal investigation at the GKM. DRMS' role in the area was to support work at the Red & Bonita Mine and monitor any effects work at that mine might have on mines in the vicinity.

When the OIG interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated DRMS had a much longer history dealing with the GKM than the EPA did. The EPA and DRMS worked jointly on the GKM (with or without a formal agreement in place); there was a long history of shared documentation, communication and attendance at each other's meetings and presentations; and DRMS was at the GKM on August 4 and 5, 2015, showing there was collaboration between the two entities. (Exhibit 4)

(b) (6), (b) (7)(C) explained that given the history of site, DRMS was viewed as the "lead partner" at the mine. DRMS prepared the 20-year plan for the GKM and stopped work in 2009, stating in site documents that further work would need to be done. (b) (6), (b) (7)(C) stated DRMS supported the removal activities at the GKM given DRMS's role with the site. (Exhibit 5)

Amongst the records (b) (6), (b) (7)(C) reviewed, no documentary evidence was identified that undermined what witnesses told them: that DRMS supported EPA's activities at the GKM. Further, the removal activities at the GKM were well known to DRMS officials, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C). When interviewed by the OIG, (b) (6), (b) (7)(C) agreed that the historical records, reports, graphs, diagrams and sketches related to the GKM, reviewed

by them and previously shared between the EPA and DRMS suggested DRMS personnel were both aware of and were at least solicited by the EPA for an opinion about the EPA activities at the GKM. (Exhibit 6)

(b) (6), (b) (7)(C) explained that the (b) (6), (b) (7)(C) reviewed the Request for Proposal and the “fact sheets” related to the GKM to assist in their Report. The fact sheets were from 2008 and 2009, and it appeared DRMS was “on board” with the decisions made. A work plan was involved with the work at the GKM but only the EPA submitted it, but in the work plan DRMS is mentioned as making a “determination.” (Exhibit 7)

(b) (6), (b) (7)(C) related that the overhead map attached to the Report was provided by DRMS and information about the GKM was part of that map. According to (b) (6), (b) (7)(C) while no formal agreement existed for DRMS to consult on the GKM, there was definitely an informal working relationship and understanding amongst personnel working in that project area. (Exhibit 8)

During OIG’s interview of (b) (6), (b) (7)(C), DRMS acknowledged that they did not make any objections to EPA’s proposed activities at the GKM during a May 2015 presentation related to mine work at the Red & Bonita Mine and the GKM. (b) (6), (b) (7)(C), (b) (5)

Assertion 4: (b) (6), (b) (7)(C) referred to the following quote from the Report “ “[t]he Animas River Stakeholders Group had been given a presentation by (b) (6), (b) (7)(C) with DRMS, as documented in the May ARSG meeting summary” ” and asserted that (b) (6), (b) (7)(C) meeting of the ARSG was on the Red & Bonita Mine bulkhead design only.

During the EPA OIG investigation, (b) (6), (b) (7)(C) acknowledged that the presentation on May 27, 2015, to the ARSG, related to the Red & Bonita Mine bulkhead design. However, (b) (6), (b) (7)(C) pointed out that the Red & Bonita Mine and the GKM were interconnected, and once the bulkhead at the Red & Bonita Mine was installed, Environmental Restoration, LLC, was to begin the process to open the GKM. The treatment system at the Red & Bonita Mine was to be used to handle the water and muck from the GKM as work began there.

Assertion 5: (b) (6), (b) (7)(C) referred to the following quote from the Report “ “[t]he DRMS experts supported the removal investigation at the Adit and were present at the site during the operations on August 4 and 5” ” and asserted that DRMS was acting as a consultant on the Red & Bonita mine only, and was not involved with directing work at the GKM. DRMS personnel were observers only with respect to the August 5, 2015, events and were not present at the time of the release.

Please refer to (b) (6), (b) (7)(C) comments in Assertion 3.

Assertion 6: (b) (6), (b) (7)(C) refers to the following quote from the Report “ “[t]he DRMS experts indicated that similar techniques have been employed at other similar mine sites. One

DRMS expert noted that a similar investigation technique was implemented at the Captain Jack Mine in Colorado but did not result in a blowout" " and asserted that it is true that an impoundment was decanted/dewatered this way. The method has worked, but at sites where there was no overpressure. Again, however, this information was provided to the EPA as general advice only, and not for the purpose of managing, directing or authorizing any activity at the GKM.

(b) (6), (b) (7)(C) explained that due to the collaborative nature of the relationship between the EPA and DRMS personnel, the DRMS recommendation of decanting/dewatering as an investigative technique was considered by the EPA. Neither the EPA nor DRMS personnel had any foreknowledge regarding the actual amount of water or overpressure that existed at the GKM on either August 4 or 5, 2015, prior to the blowout.

Assertion 7: (b) (6), (b) (7)(C) referred to the following quote from the Report " "[t]he EPA site removal investigation team had consulted with and had the field support of DRMS" " and asserted that the EPA asked DRMS informally in the field for ideas on techniques for rehabilitation of the GKM portal and related inner-mine matters that might be addressed after the mine was dewatered. DRMS neither offered an opinion about, nor investigated, the amount of water impounded at the GKM or the water pressure that might be present, nor was it authorized to direct or manage any of the GKM work.

Please refer to (b) (6), (b) (7)(C) comments in Assertion 3.

Additionally, (b) (6), (b) (7)(C) stated the absence of any written evidence that DNR did not support the EPA excavation activities was not proof that DNR supported the activities. The EPA OIG informed the DNR group that (b) (6), (b) (7)(C) agreed and commented that it would have been "unusual for any written concurrence" from DRMS for any activity the EPA was either considering or effecting at the GKM as it related to a removal investigation. (b) (6), (b) (7)(C) agreed such documentation would have been atypical and it would also have been atypical that DNR or the EPA would have produced written documentation accounting for any DNR objection to an EPA-proposed activity.

(b) (6), (b) (7)(C) stated that, in February 2015, (b) (6), (b) (7)(C) had reviewed "cover-to-cover" the (b) (6), (b) (7)(C) proposed plan for work and excavation activities at the GKM. (b) (6), (b) (7)(C)

Further, (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) had participated in an (b) (6), (b) (7)(C) planning meeting with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) related to proposed and anticipated removal activities at the GKM.

Disposition

This Report of Investigation is being issued to the acting EPA Deputy Administrator for any corrective action deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C)
Role: (b) (6), (b) (7)(C)
Business Address: (b) (6), (b) (7)(C)
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: (b) (6), (b) (7)(C)

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C)
Role: (b) (6), (b) (7)(C)
Business Address: (b) (6), (b) (7)(C)
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: (b) (6), (b) (7)(C)

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C)
Role: (b) (6), (b) (7)(C)
Business Address: (b) (6), (b) (7)(C)
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: (b) (6), (b) (7)(C)

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C)
Role: (b) (6), (b) (7)(C)
Business Address: (b) (6), (b) (7)(C)
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: (b) (6), (b) (7)(C)

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C)
Role: (b) (6), (b) (7)(C)
Business Address: (b) (6), (b) (7)(C)
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: (b) (6), (b) (7)(C)

SECTION C – PROSECUTIVE STATUS

On September 21, 2015, the facts and circumstances surrounding the DRMS letter authored by (b) (6), (b) (7)(C) were provided to Assistant United States Attorney Matthew Kirsch, Chief, Criminal Division, United States Attorney's Office, District of Colorado, Denver, Colorado, for prosecution consideration. Assistant United States Attorney Kirsch stated after his review of the Report and (b) (6), (b) (7)(C) letter that it (b) (5), (b) (7)(E)

Therefore, his office declined prosecution in this matter.

EXHIBITS

DESCRIPTION	EXHIBIT
(b) (6), (b) (7)(C) Letter to the OIG, dated September 2, 2015.	1
Summary Report, dated August 24, 2015.	2
Memorandum of Interview of Group Interview of (b) (6), (b) (7)(C), dated January 12, 2016.	3
Memorandum of Interview of (b) (6), (b) (7)(C) dated October 2, 2015.	4
Memorandum of Interview of (b) (6), (b) (7)(C) dated October 7, 2015.	5
Memorandum of Interview of Group Interview of (b) (6), (b) (7)(C) dated December 16, 2015.	6
Memorandum of Interview of (b) (6), (b) (7)(C) dated October 9, 2015.	7
Memorandum of Interview of (b) (6), (b) (7)(C), dated October 1, 2015.	8

Exhibit 1



COLORADO

Department of Natural Resources

Executive Director's Office
1313 Sherman Street, Room 718
Denver, CO 80203

September 2, 2015

(b)(6), (b)(7)(C)

United States Environmental Protection Agency
Office of Inspector General
1595 Wynkoop Street, 4th Floor
Denver, CO 80202

Dear (b)(6), (b)(7)(C)

Per your request, I am sending clarifying points pertaining to some of the information in the EPA Internal Review Team's report of the events surrounding the August 5, 2015 release from the Gold King Mine, dated Aug. 24, 2015 and released Aug. 26, 2015, as well as documents released from EPA's contractor Weston Solutions on August 27, 2015.

First, DRMS did not have any authority to manage, assess, or approve any work at the Gold King Mine. The scope of DRMS's involvement at the Gold King site is set out in the scope of work associated with the grant award for consulting on the Red and Bonita mine, which provides:

"Additional work may include DRMS assistance with monitoring and assessing impacts caused by the Red and Bonita bulkhead on the hydrology of the Cement Creek and Upper Animas drainages, particularly related to discharges from vicinity mines."

On the morning of August 5, 2015, EPA requested that DRMS personnel come to the Gold King mine to consult with EPA about future underground mine work at the Gold King that had nothing to do with excavation taking place by EPA and/or its contractors that morning. No one at DRMS directed any work at Gold King, nor did any DRMS personnel approve or disapprove any of the work EPA was conducting there. Indeed, even if they had done so, it would have been improper for EPA to rely on any such advice or direction from DRMS personnel.

In addition to the general comments above, we wish to clarify a few assertions set forth in the Internal Review Team report.

1) EPA Internal Review Team Report, page 6: "For the Adit, a determination of no or low mine water pressurization was made by experienced professionals from EPA and the DRMS."

DNR Response: DRMS did not make any determination of mine water pressure at the Gold King mine.



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DNR Response: DRMS staff did not support the removal investigation at the Gold King. DRMS's role in the area was to support work at Red and Bonita and monitor any effects work at the Red and Bonita might have on mines in the vicinity.

3) EPA Internal Review Team Report, page 6: "The Animas River Stakeholders Group had been given a presentation (b)(6), (b)(7)(C) as documented in the May ASRG meeting summary."

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On Thursday August 27, EPA released several more documents, at least one of which likewise contains elements requiring a response. One memo, dated Aug. 12, 2015, was prepared by Weston Solutions' Superfund Technical Assessment and Response Team and has the subject, "Gold King Mine Investigation and Blowout Event." On page 2, the memo states, "On August 4, 2015 (name redacted) EPA OSC arrived on site at 08:45 and (name redacted) from Colorado Division of Mining Reclamation and Safety (DRMS) arrived at the Gold King at 09:45. (Redacted) discussed how to proceed with the site. Per their instruction, the ERRS contractor began excavating the collapse area while minimizing water discharge at 10:30." Due in part to the redactions, this passage is unclear as to who discussed how to proceed at the site, and who provided instruction to the ERRS contractor. To be clear, DRMS staff member (b)(6), (b)(7)(C)

dropped by the mine on [REDACTED] way to Red and Bonita on the morning of Aug. 4, 2015 after the excavation by ERRS had commenced. [REDACTED] was not authorized to instruct ERRS to take any actions, and [REDACTED] did not do so.

The Weston Solutions memo also states on page 2, "DRMS personnel (names redacted) and the EPA OSC (name redacted) discussed the mine adit situation and determined that excavation should be continued. DRMS said due to the severity of the collapse a series of plates might need to be used to build the 10 foot culvert further back into the mine beyond the collapse to allow dewatering and water treatment." While assessing sites in the area, [REDACTED] (b)(6), (b)(7)(C) were at the Gold King site the morning of August 5 at EPA's invitation, but their visit had nothing to do with work on the Gold King adit that morning and they did not determine or advise that excavation of the adit should be continued. While they did offer expertise on liner plates which would be used on a later date to support the adit after the portal was cleared, they did not advise on water pressure, dewatering, or water treatment.

To summarize, DRMS has worked collaboratively with EPA toward the shared objective of improving water quality in the Upper Animas River Watershed. EPA initiates the requests for consultation which are advisory in nature and typically informal. While there is a more formal arrangement at the Red and Bonita for consultation on inner mine workings, operations at Gold King were entirely under EPA management using EPA contractors on an EPA response action pursuant to the federal Comprehensive Environmental Response Compensation and Liability Act.

I hope this information is helpful. Please do not hesitate to contact me if you would like to discuss.

(b) (6), (b) (7)(C)

Exhibit 2

EPA Internal Review of August 5, 2015 Gold King Mine Blowout
available at

[https://www.epa.gov/sites/production/files/2015-08/documents/
new_epa_nmt_gold_king_internal_review_report_aug_24_2015
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Exhibit 3



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

Headquarters
1301 Constitution Avenue, WJC West, Room 3428
Washington, DC 20460

MEMORANDUM OF INTERVIEW

Interview Date:	January 12, 2016
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	(b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On January 12, 2016, Office of Inspector General (OIG), Office of Investigations (OI) (b) (6), (b) (7)(C) interviewed Colorado Department of Natural Resources (DNR) and Colorado Division of Reclamation, Mining and Safety (DRMS) employees at their DNR offices located in Denver, CO. This interview was conducted in a group format in order to gather the most comprehensive response to investigative interview questions and (b) (6), (b) (7)(C) the following employees were interviewed together in their DNR office conference room located (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Joining the Reporting Agent for this interview was OIG, OI employee (b) (6), (b) (7)(C) Finally, joining the Reporting Agent and providing investigative assistance during this interview were (b) (6), (b) (7)(C)

Both (b) (6), (b) (7)(C) were assigned to the OIG's (b) (6), (b) (7)(C) Office of Program Evaluation (OPE). The purpose for this interview, which had been explained to all participants, was to afford DNR/DRMS officials an opportunity to address previously reported details mentioned in an EPA Internal Review Report, dated August 24, 2015 and photographs/figures captured in a Department of Interior, Bureau of Reclamation (BOR) report, dated October 13, 2015; specifically, how one or more of the EPA reported details of August 24, 2015 were criticized by DNR in their own letter, dated September 2, 2015 and how the DNR letter may have contained one or more potential misrepresentations. Prior to the start of the interview both the Reporting Agent and SA (b) (6), (b) (7)(C) had produced law

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enforcement credentials for all DNR and DRMS officials to inspect. All participating interviewees acknowledged their understanding for participating in the interview and Reporting Agent's authority to conduct the interview. All participants had then agreed to cooperate with the interview. The Reporting Agent reminded the group that they had previously been given an opportunity to have counsel present. In front of the group (b) (6), (b) (7)(C) had said a determination was made to proceed without counsel being present. The Reporting Agent extended the same opportunity again during this interview and both (b) (6), (b) (7)(C) stated counsel was not necessary. The Reporting Agent informed the group that the OIG investigation was purely administrative in nature; that their cooperation was entirely voluntary; and, that the Department of Justice had already declined prosecution in this matter.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) the Reporting Agent informed (b) (6), (b) (7)(C) letter may have contained one or more potential misrepresentations and that if as a result of this interview it were determined inaccuracies did exist in the DNR letter, the Reporting Agent wanted to offer (b) (6) the opportunity to resolve any inaccuracies or provide clarity where appropriate to statements made in the letter by submitting an addendum or other written document to be attached to the original DNR letter. (b) (6) stated that if errors or inaccuracies existed in the letter, (b) (6) absolutely wanted to set the record straight and welcomed the offer and opportunity to do so in some addendum or other document. The Reporting Agent said that while (b) (6) wanted to resolve any discrepancies that might exist in the DNR letter, (b) (6) had absolutely no intention of "blowing up" the great working relationship the EPA had with DNR to which (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C) the Reporting Agent informed both (b) (6), (b) (7)(C) that this interview would include some discussion about the content of the DNR letter and address any potential misrepresentations contained therein. The Reporting Agent informed (b) (6), (b) (7)(C) that if it were determined inaccuracies did exist in the letter that now was the opportunity to resolve or remedy those errors. (b) (6), (b) (7)(C) employees agreed to cooperate with this investigation. (b) (6), (b) (7)(C) had said that the EPA and BOR reports had contained errors and that they wanted get the record straight; an effort that as it related to the EPA report ultimately resulted in the DNR letter. (b) (7)(E)

(b) (6), (b) (7)(C) the Reporting Agent opened the interview by soliciting the group for any information or concerns they may have had about reports or statements that had

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been made concerning the Gold King Mine (GKM) incident and any purported DNR involvement or association with the EPA and the GKM blowout of August 5, 2015.

DNR stated that any exception it had taken with the EPA's August 24, 2015 Internal Review Team report had been sufficiently captured in its September 2, 2015 letter. DNR stated that they did not witness anything during their onsite presence of August 4, 2015 and any EPA excavation activities at the GKM on that same date that would have suggested to DNR there was an impending catastrophe, the likes of which ultimately did occur the following day on August 5, 2015. DNR, (b) (6), (b) (7)(C) stated that in their interpretation the BOR report, which was available at the following address: <https://www.usbr.gov/docs/goldkingminereport.pdf>, had been based largely on misunderstandings. DNR stated that one example was how BOR had reported how the EPA had intended on August 5, 2015 to continue opening the GKM. DNR stated any suggestion that the EPA had intended to remove the blockage and open the GKM on August 5, 2015 was simply "inaccurate."

DNR stated that their letter was nothing more than DNR's effort to add granularity to statements previously made by the EPA in their Internal Review Team report. The Reporting Agent took the time to inform DNR that the OIG was not investigating the BOR report or any statements or assertions contained therein.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) DNR said that the GKM blowout was going to happen anyway regardless of whether the EPA was present or not. (b) (6), (b) (7)(C) confirmed that while approximately 3 million gallons of contaminated water had been released in a single day on August 5, 2015 from the GKM, it was also accurate that prior to the August 5, 2015 release, approximately 3 million gallons of contaminated water was continuously being released from the GKM every ten (10) days.

40 CFR 300.5

(b) (6), (b) (7) wanted to be clear that DNR was not, technically speaking, providing support for activities the EPA was executing at GKM. The Reporting Agent asked (b) (6), (b) (7)(C) the group to consider the language in 40 CFR 300.5; specifically:

- *Support agency* means the agency or agencies that provide the support agency coordinator to furnish necessary data to the lead agency, review response data and documents, and provide other assistance as requested by the OSC or RPM. EPA, the USCG, another federal agency, or a state may be support agencies for a response action if operating pursuant to a contract executed under section 104(d)(1) of CERCLA or designated pursuant to a Superfund Memorandum of Agreement entered into pursuant to subpart F of the NCP or other agreement. The support agency may also concur on decision documents.

The Reporting Agent then asked the group to consider the language in the grant application DNR relied upon, dated February 5, 2015 and that was later incorporated into the subsequent Cooperative Agreement, March 11, 2015; specifically;

- *Upper Animas Watershed Mines • Red and Bonita Mine - Technical Support Colorado Department of Natural Resources/Division of Reclamation, Mining & Safety Work Plan for Red and Bonita Mine near the Town of Silverton, San Juan County, Colorado*
- *The Colorado Division of Reclamation, Mining, and Safety (DRMS) has been tasked by EPA to provide technical engineering support for a water impounding concrete bulkhead to be installed in the Red and Bonita Mine during 2015. Additional work may include DRMS assistance with monitoring and assessing impacts caused by the Red and Bonita bulkhead on the hydrology of the Cement Creek and Upper Animas drainages, particularly related to discharges from vicinity mines.*

(b) (6), (b) (7)(C)

The group agreed with the Reporting Agent that additional discussion on 40 CFR 300.5 was not productive at this time.

The Reporting Agent then advised the group that each of their six (6) points more fully described in their September 2, 2015 response letter to the Internal Review Team report, dated August 24, 2015 would now be addressed in an effort to determine what, if any, corrections might need to be made in some addendum document to the original letter:

DRMS played no role in determining no or low mine water pressure at the GKM location where on August 5, 2015 a blowout had occurred.

The Reporting Agent informed the group that the EPA's internal review team had conceded during their interview that DRMS had not participated in any preliminary effort to ascertain mine water pressure at GKM. The Reporting Agent informed the DNR group that no such effort had ever been executed by the EPA. The Reporting Agent informed the DNR group that prior to the blowout the EPA had considered performing such an analysis; both vertically from atop the mine as well as horizontally from locations alongside the mine, but that safety, costs/funding and ever changing conditions/timing at the site precluded any additional pursuit of such efforts. The DNR group agreed that they too understood the EPA had not proceeded with a water pressure analysis for the reasons disclosed.

The Reporting Agent informed the DNR group that the EPA internal review team had pointed out that nowhere in their review did it ever appear that DRMS officials had either preliminary or after-the-fact objections of any kind whatsoever to what they witnessed during the August 4, 2015 excavation and subsequent planned activities that were later observed by DRMS on August

5, 2015. (b) (6), (b) (7)(C)

[REDACTED]

The Reporting Agent solicited the group for the author of the DNR letter. (b) (6), (b) (7)(C)

[REDACTED]

DRMS experts did not support the removal investigation at the GKM.

The Reporting Agent informed the group that the EPA internal review team had pointed out that among all the records they reviewed there was no evidence for them to have relied upon in preparing the August 24, 2015 internal review report and that would have contradicted DRMS' actual support of EPA activities at GKM. The Reporting Agent isolated the issue by asking (b) (6), (b) (7)(C)

[REDACTED]

(b) (6), (b) (7)(C)

[REDACTED]

Finally, the Reporting Agent informed the DNR group that the EPA's internal review team had agreed and commented that it would have been "unusual for any written concurrence" from DRMS for any activity the EPA was either considering or effecting at the GKM – or – anywhere else in the State of Colorado as it related to a removal investigation (b) (6), (b) (7)(C)

[REDACTED]

DRMS contributions in a May 2015 Animas River Stakeholder Group presentation were exclusive to the Red and Bonita Mine.

The Reporting Agent informed the group that it had been determined that in the absence of any DRMS objections, parsing out what the EPA said about GKM and what DRMS said about Red

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& Bonita Mine during their joint May 2015 presentation would fail to illuminate, for the purposes of this investigation, any objection DRMS might ever have had related to EPA's proposed removal activities at GKM. DRMS acknowledged that they did not during or after the May 2015 presentation, orally or in writing, submit or produce any objections to EPA's proposed activities at GKM. (b) (6), (b) (7)(C)

[REDACTED]

[REDACTED]

The Reporting agent informed the group that there was some interpretation under this element of the DNR letter that suggested DNR did not support the EPA in its activities at GKM. (b) (6), (b) (7)(C) had said that the DNR letter did not say DNR did not support the EPA. (b) (6), (b) (7)(C) went on to say (b) (6), (b) (7)(C)

[REDACTED]

did not need to make a correction to their letter because DNR and DRMS in fact did support the EPA.

DRMS was a consultant at Red & Bonita Mine only and was not involved with directing work at GKM. DRMS were observers only with respect to August 5, 2015 events and were not present at the time of the release.

The Reporting Agent informed the group that there was no evidence DNR or DRMS had ever directed work performed by sub-contractors or prime contractors involved with work at GKM. The Reporting Agent reinforced the fact that there had been no assertion in the EPA's internal review report that DNR or DRMS officials had ever directed work performed by EPA contractors.

(b) (6), (b) (7)(C)

[REDACTED]

DRMS information was provided to the EPA as general advice only and not for the purpose of managing, directing or authorizing any activity at GKM.

The Reporting Agent reiterated that there had been no representation in the August 24, 2015 report that DRMS personnel ever did or ever had been authorized to manage, direct or authorize any activity at the GKM. (b) (6), (b) (7)(C)

[REDACTED]

(b) (6), (b) (7)(C)

DRMS neither offered an opinion about nor investigated the amount of water impounded at the GKM or the water pressure that might be present, nor was DRMS authorized to direct or manage any of the GKM work.

The Reporting Agent reiterated that there was no reference in the internal review team report that suggested or stated DRMS had directed or managed work conducted by EPA's contractors at the GKM. The Reporting Agent reiterated that EPA never authorized any active drilling at the GKM site to assess either water volume or pressure and that to EPA's knowledge DRMS had never done so independently. DNR confirmed that they did not initiate either a study or analysis of the water pressure inside GKM (b) (6), (b) (7)(C) along with the EPA, always understood that there was water at the blockage and inside the GKM.

(b) (6), (b) (7)(C)

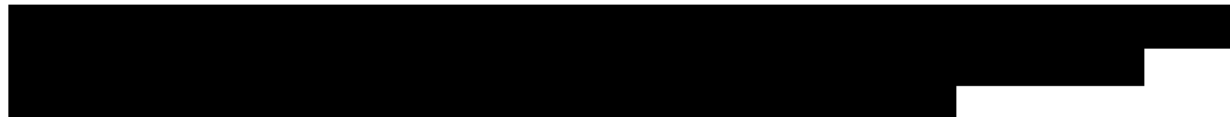

At this point the Reporting Agent determined the OI interview was complete. OPE then took over the interview. One of the questions OPE asked DNR was related to a 2007 DRMS report wherein DRMS had acknowledged the Red & Bonita Mine and all other mines in that vicinity were all interconnected. During the OPE portion of the interview DNR said that as it related to work being conducted at GKM, there was no dispute that work being conducted at Red & Bonita Mine was connected to GKM.

The Reporting Agent determined that the OIG interview was complete and that the opportunity had presented itself to examine a potential solution for resolving some of the inaccuracies in the DNR letter. (b) (6), (b) (7)(C), (b) (5), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (5), (b) (7)(E) immediately responded that the Reporting Agent may have taken (b) (6), (b) (7)(C), (b) (5), (b) (7)(E) quote out of context.

The Reporting Agent agreed that DNR would not produce a correction of any kind to its September 2, 2015 letter.

(b) (6), (b) (7)(C)



After all interviewees were given the opportunity to contribute any additional information and all said they had nothing more to offer, the Reporting Agent terminated the interview.

Attachments:

1. Colorado Department of Natural Resources letter, dated September 2, 2015.



DNR letter, dated
September 2, 2015.p

2. EPA Internal Review team Report, dated August 24, 2015.



Internal Review
Team Report, dated



COLORADO

Department of Natural Resources

Executive Director's Office
1313 Sherman Street, Room 718
Denver, CO 80203

September 2, 2015

(b)(6), (b)(7)(C)

United States Environmental Protection Agency
Office of Inspector General
1595 Wynkoop Street, 4th Floor
Denver, CO 80202

Dear (b)(6), (b)(7)(C)

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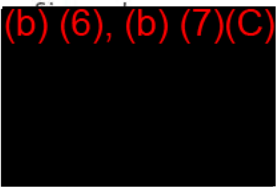
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I hope this information is helpful. Please do not hesitate to contact me if you would like to discuss.

(b) (6), (b) (7)(C)



EPA Internal Review of August 5, 2015 Gold King Mine Blowout
available at

[https://www.epa.gov/sites/production/files/2015-08/documents/
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Exhibit 4



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

75 HAWTHORNE STREET, 7TH FLOOR
SAN FRANCISCO, CA 94105

MEMORANDUM OF INTERVIEW

Interview Date:	October 2, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	OIG Conference Room, (b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	None

On October 2, 2015, (b) (6), (b) (7)(C) Office of Inspector General (OIG), Office of Investigations, interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EPA, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) The purpose of this interview was to obtain information about the August 24, 2015 Gold King Mine (GKM) EPA Internal Report. After law enforcement credentials were shown and the purpose of the interview explained, (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (7)(C)
(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C) All team members were present for each interview. (b) (6), (b) (7)(C) stated when the team arrived in Durango they were given a packet that had the same background information about the GKM and the release. The packet also identified a list of potential interviewees and their contact info. (b) (6), (b) (7)(C)

[REDACTED]

(b) (6), (b) (7)(C) the documents they reviewed are listed in the report. A lot of the documents were included in the packet they were given in Durango. (b) (6), (b) (7)(C) the Project Summary document prepared by the DRMS was crucial in preparing the report's chronology.

(b) (6), (b) (7)(C) they had a very short time period to write the report. The team arrived in Durango on August 18, 2015 and the report had to be issued on August 24, 2015.

(b) (6), (b) (7)(C)


[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b) (6), (b) (7)(C)



Attachment(s):

None.

Exhibit 5



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

75 HAWTHORNE STREET, 7TH FLOOR
SAN FRANCISCO, CA 94105

MEMORANDUM OF INTERVIEW

Interview Date:	October 7, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	OIG Conference Room, (b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	None

On October 7, 2015, (b) (6), (b) (7)(C) Office of Inspector General (OIG), Office of Investigations, interviewed (b) (6), (b) (7)(C) EPA (b) (6), (b) (7)(C) The purpose of the interview was to obtain information about the August 24, 2015 Gold King Mine (GKM) EPA Internal Report. After law enforcement credentials were shown and the purpose of the interview explained, (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

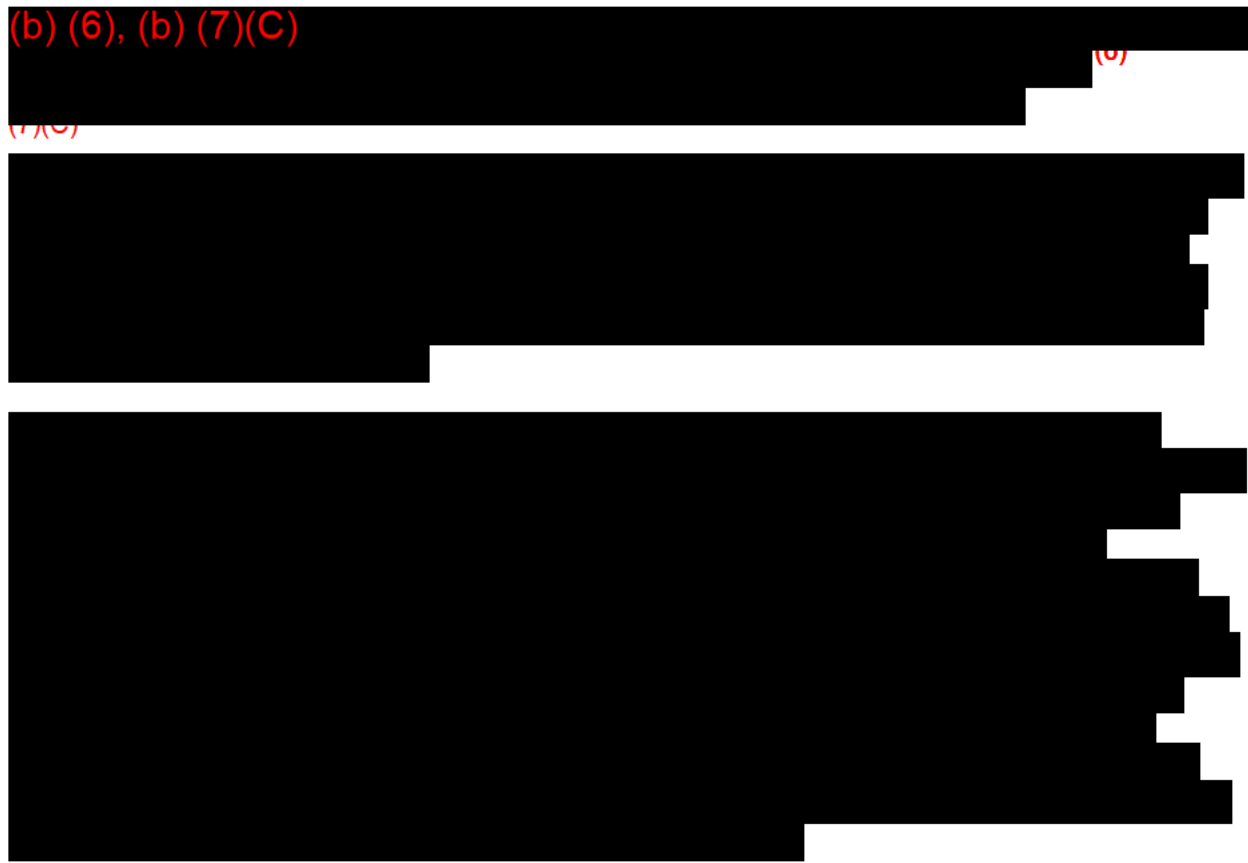
(b) (6), (b) (7)(C) the review team's task was to determine what happened at the site up until the release. They did not evaluate anything that happened after the release, i.e. were notifications made appropriately, etc. (b) (6), (b) (7)(C)

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Page 1

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(b) (6), (b) (7)(C)



(b)

(b)(6)

Attachment(s):
None.

Exhibit 6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

Headquarters
1301 Constitution Avenue, WJC West, Room 3428
Washington, DC 20460

MEMORANDUM OF INTERVIEW

Interview Date:	December 16, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Telephonic interview originating from EPA, Office of Inspector General, Office of Investigations, located at 2733 South Crystal Drive, Arlington, VA.
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	Special Agent (b) (6), (b) (7)(C)

On December 16, 2015, Office of Inspector General (OIG), Office of Investigations (OI) (b) (6), (b) (7)(C) interviewed the EPA's internal review team which previously had been charged with assessing and then reporting on the events and potential factors that may have contributed to the August 5, 2015 blowout at the Gold King Mine located near Silverton, CO. The internal review team members were comprised of the following EPA employees and with one exception all others dialed into the interview from their respective offices: (b) (6), (b) (7)(C)

With the exception of (b) (6), (b) (7)(C) all other participants dialed into the OI conference room using dial in number (b) (6), (b) (7)(C). Joining the Reporting Agent for this interview was OIG, OI employee (b) (6), (b) (7)(C)

Finally, joining the Reporting Agent from remote locations, (b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C) Both (b)(6), (b)(7)(C) were assigned to the OIG's Land Cleanup and Waste Management Directorate, Office of Program Evaluation. The purpose for this interview, which had been explained to all participants, was to follow up from a previous interview conducted by OI and ascertain what other, if any, aspects of a Colorado Department of Natural Resources (DNR) letter, dated September 2, 2015, were potentially inconsistent with details previously documented by the EPA internal review team in its August 24, 2015 final report. Prior to the start of the interview both (b) (6), (b) (7)(C) had produced law enforcement credentials for (b) (6), (b) (7)(C) to inspect and (b) (6), (b) (7)(C) orally acknowledged for the participating interviewees the Reporting Agent's authority. All participants had then agreed to cooperate with the interview.

The Reporting Agent started the interview by informing the group that a recent review of their previous OI conducted individual interview reports resulted in some additional follow up questions specific to the DNR letter. Further, it appeared to the Reporting Agent that the most comprehensive answer to some of the follow up questions in the current interview might come from the group being interviewed at the same time such that together the Reporting Agent might be able to string together any additional details from their own firsthand, fact-based account and responses regarding what had transpired during the internal review team's collective assessment and their subsequent August 24, 2015 report, which DNR and the Colorado Department of Reclamation, Mining and Safety (DRMS) had seemed to take some umbrage with as documented in the DNR September 2, 2015 letter.

Firsthand accounts in the EPA's August 24, 2015 internal review team report

The first issue the Reporting Agent wanted to address dealt with the content of the EPA internal review team's August 24, 2015 report; specifically, what firsthand knowledge each team member had about the entire content of the August 24, 2015 report. Each team member responded individually that they possessed firsthand knowledge of the report details. The Reporting Agent refined the question and asked each team member if they were present and did they hear every detail discussed in all the interviews conducted by the EPA's internal review team? Moreover, did each team member contribute to every aspect of the documentation appearing in the August 24, 2015 report?

Once the refined questions were posed, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) team members agreed that individually, while each team member contributed to one or more aspects of the final report, as individuals they did not have firsthand knowledge regarding every aspect of the details contained in the August 24, 2015 internal review team's report. In particular, while they may have been present, the team members interviewed stated they had not heard every detail discussed with various individuals during their August 2015 on-site review and which was later documented in the same August 24, 2015 report. The group stated that during their August 2015 onsite review activity near Silverton, CO, they did not – as a group – actively participate in all of the team's exchanges with various personnel on the "mountainside."

(b) (6), (b) (7)(C) team members stated that they had worked together during the report's development and that collectively they all had both arrived at and agreed on what became the report's final product, which was the August 24, 2015 report. Further, while each

team member contributed directly or indirectly to one or more aspects of the August 24, 2015 report. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) team members confirmed that they each had an opportunity to review and that each had later agreed on the content of the final product. (b) (6), (b) (7)(C)

The Reporting Agent then addressed each of the six (6) elements in the DNR letter which seemed to object to EPA's August 24, 2015 internal review team report. The following is a summary of the internal review team's responses:

DRMS played no role in determining no or low mine water pressure at the GKM location where on August 5, 2015 a blowout had occurred.

Despite what had been reported in the EPA's internal review team report, the internal review team conceded during this interview that DRMS had not participated in any preliminary effort to ascertain mine water pressure at GKM. The group also confirmed that no such effort had ever been executed by the EPA. The group confirmed that prior to the blowout the EPA had considered performing such an analysis; both vertically from atop the mine and horizontally from locations alongside the mine via drilling, but that safety, costs/funding and ever changing conditions/timing at the site precluded any additional pursuit of such efforts.

The internal review team pointed out that nowhere during their review did it ever appear that DRMS officials had made either preliminary or after-the-fact objections of any kind whatsoever to what they witnessed during the August 4, 2015 excavation and subsequent planned activities that were later observed by DRMS on August 5, 2015.

DRMS experts did not support the removal investigation at the GKM.

The internal review team pointed out that among all the records they reviewed there was no evidence for them to have relied upon in preparing the August 24, 2015 internal review report and that would have contradicted DRMS' actual support of EPA activities at GKM. Further, the internal review team pointed out that the removal activities at GKM were well known to DRMS officials who ultimately expected the removal of the blockage would occur well after an anticipated controlled release of contaminated mine water.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

DRMS contributions in a May 2015 Animas River Stakeholder Group presentation were exclusive to the Red and Bonita Mine.

The internal review team agreed that there were no factual misrepresentation in the EPA's internal review team August 24, 2015 report. The internal review team pointed out, however, that both the Red & Bonita Mine and the GKM are interconnected and that DRMS was present with and participated jointly in the EPA's May 2015 presentation to the Animas River Stakeholder Group. The internal review team also pointed out that there were no available notes or records leading up to or after the May 2015 joint presentation that would have illuminated any objection DRMS officials had with EPA proposed activities at GKM.

The Reporting Agent determined that for this element and in the absence of any DRMS detail in their complaint, parsing out what the EPA said about GKM and what DRMS said about Red & Bonita Mine during their joint May 2015 presentation would fail to illuminate, for the purposes of this investigation, any objection DRMS might ever have had related to EPA's proposed removal activities at GKM. That DRMS did not during or after the May 2015 presentation, orally or in writing, submit or produce any objections to EPA's proposed activities at GKM only reinforces the collaborative professional relationship between DRMS and the EPA for activities the EPA was planning to engage in at GKM.

DRMS was a consultant at Red & Bonita Mine only and was not involved with directing work at GKM. DRMS were observers only with respect to August 5, 2015 events and were not present at the time of the release.

The internal review team confirmed that DRMS did not direct work at GKM. The internal review team said that no such representation that DRMS had ever directed work at GKM had been documented in the August 24, 2015 report (b) (6), (b) (7)(C)

Regarding remarks made by DNR that their officials were only *consultants* and *observers*, as it related to activities at and nearby the GKM site during the August 4/5, 2015 timeframe, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) The internal review team agreed that any suggestion DRMS personnel were oblivious to proposed and later executed EPA activities at GKM was simply inaccurate.

DRMS information was provided to the EPA as general advice only and not for the purpose of managing, directing or authorizing any activity at GKM.

The internal review team confirmed there had been no representation in the August 24, 2015 report that DRMS personnel ever did or ever had been authorized to manage, direct or authorize any activity at the GKM. However, due to the collaborative nature of the relationship between EPA and DRMS personnel, the DRMS recommendation of *decanting* as an investigative technique was considered by the EPA. Moreover, neither the EPA nor DRMS personnel had any foreknowledge regarding the actual amount of water or overpressure that existed at the GKM on either August 4 or 5, 2015 prior to the blowout.

DRMS neither offered an opinion about nor investigated the amount of water impounded at the GKM or the water pressure that might be present, nor was DRMS authorized to direct or manage any of the GKM work.

The internal review team restated that DRMS had no authority to direct or manage work conducted by the EPA at the GKM and that the August 24, 2015 report made no such assertion. The internal review team acknowledged that the EPA never authorized any active drilling at the GKM site to assess either water volume or pressure and that to EPA's knowledge DRMS never did so independently. Further, the internal review team stated that the (b) (6), (b) (7)(C) had informed the internal review team during their August interviews that (b) (6), (b) (7)(C) "approached the [GKM] adit as if it had water in it, like we always knew it did."

Regarding the absence of any DRMS opinion about water and water pressure at the GKM site, however, the internal review team pointed back to the eight (8) documented elements in their August 24, 2015 report. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

The internal review team went on to offer that DRMS personnel were available during the internal review team on-site inquiry subsequent to the blowout at GKM and (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Furthermore, during the same on-site inquiry, a three-dimensional presentation using a laptop computer was conducted by other DRMS personnel that included the GKM.

40 CFR 300.5

(b) (6), (b) (7)(C) review of 40 CFR 300.5 wherein it states that:

- *Support agency* means the agency or agencies that provide the support agency coordinator to furnish necessary data to the lead agency, review response data and documents, and provide other assistance as requested by the OSC or RPM. EPA, the USCG, another federal agency, or a state may be support agencies for a response action if operating pursuant to a contract executed under section 104(d)(1) of CERCLA or designated pursuant to a Superfund Memorandum of Agreement entered into pursuant to subpart F of the NCP or other agreement. The support agency may also concur on decision documents.

(b) (6), (b) (7)(C), (b) (5)

The Reporting Agent reviewed the Red & Bonita Mine application for a grant and as stated in the application at page 13 of 25, dated February 5, 2015 and later adopted into the Red & Bonita Cooperative Agreement (Grant #96819601), dated March 11, 2015:

- *Upper Animas Watershed Mines • Red and Bonita Mine - Technical Support Colorado Department of Natural Resources/Division of Reclamation, Mining & Safety Work Plan for Red and Bonita Mine near the Town of Silverton, San Juan County, Colorado*

The Colorado Division of Reclamation, Mining, and Safety (DRMS) has been tasked by EPA to provide technical engineering support for a water impounding concrete bulkhead to be installed in the Red and Bonita Mine during 2015. Additional work may include DRMS assistance with monitoring and assessing impacts caused by the Red and Bonita bulkhead on the hydrology of the Cement Creek and Upper Animas drainages, particularly related to discharges from vicinity mines.

The internal review team agreed that the rather voluminous set of historical records, reports, graphs, diagrams and sketches related to GKM and shared between the EPA and DRMS suggested DRMS personnel were both aware of and were at least solicited by EPA for an opinion about EPA activities at GKM.

After all interviewees were given the opportunity to contribute any additional information and all said they had nothing more to offer, the Reporting Agent terminated the interview.

Attachments:

1. EPA Internal Review Team Report, dated August 24, 2015.



Internal Review
Team Report, dated

2. Colorado Department of Natural Resources letter, dated September 2, 2015.



DNR letter, dated
September 2, 2015.p

3. Colorado Department of Natural Resources Application for grant, dated February 5, 2015.



DNR Application,
dated February 5, 2015

EPA Internal Review of August 5, 2015 Gold King Mine Blowout
available at

[https://www.epa.gov/sites/production/files/2015-08/documents/
new_epa_nmt_gold_king_internal_review_report_aug_24_2015
fnldated_redacted.pdf](https://www.epa.gov/sites/production/files/2015-08/documents/new_epa_nmt_gold_king_internal_review_report_aug_24_2015_fnldated_redacted.pdf)



COLORADO

Department of Natural Resources

Executive Director's Office
1313 Sherman Street, Room 718
Denver, CO 80203

September 2, 2015

(b)(6), (b)(7)(C)

United States Environmental Protection Agency
Office of Inspector General
1595 Wynkoop Street, 4th Floor
Denver, CO 80202

Dear (b)(6), (b)(7)(C)

Per your request, I am sending clarifying points pertaining to some of the information in the EPA Internal Review Team's report of the events surrounding the August 5, 2015 release from the Gold King Mine, dated Aug. 24, 2015 and released Aug. 26, 2015, as well as documents released from EPA's contractor Weston Solutions on August 27, 2015.

First, DRMS did not have any authority to manage, assess, or approve any work at the Gold King Mine. The scope of DRMS's involvement at the Gold King site is set out in the scope of work associated with the grant award for consulting on the Red and Bonita mine, which provides:

"Additional work may include DRMS assistance with monitoring and assessing impacts caused by the Red and Bonita bulkhead on the hydrology of the Cement Creek and Upper Animas drainages, particularly related to discharges from vicinity mines."

On the morning of August 5, 2015, EPA requested that DRMS personnel come to the Gold King mine to consult with EPA about future underground mine work at the Gold King that had nothing to do with excavation taking place by EPA and/or its contractors that morning. No one at DRMS directed any work at Gold King, nor did any DRMS personnel approve or disapprove any of the work EPA was conducting there. Indeed, even if they had done so, it would have been improper for EPA to rely on any such advice or direction from DRMS personnel.

In addition to the general comments above, we wish to clarify a few assertions set forth in the Internal Review Team report.

1) EPA Internal Review Team Report, page 6: "For the Adit, a determination of no or low mine water pressurization was made by experienced professionals from EPA and the DRMS."

DNR Response: DRMS did not make any determination of mine water pressure at the Gold King mine.



2) EPA Internal Review Team Report, page 6: "The DRMS experts (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) who supported the removal investigation,..."

DNR Response: DRMS staff did not support the removal investigation at the Gold King. DRMS's role in the area was to support work at Red and Bonita and monitor any effects work at the Red and Bonita might have on mines in the vicinity.

3) EPA Internal Review Team Report, page 6: "The Animas River Stakeholders Group had been given a presentation (b)(6), (b)(7)(C) as documented in the May ASRG meeting summary."

DNR Response: (b)(6), (b)(7)(C) presentation at the May 27, 2015 meeting of the Animas River Stakeholders Group was on the Red and Bonita bulkhead design only.

4) EPA Internal Review Team Report, page 6: "The DRMS experts supported the removal investigation at the Adit and were present at the site during the operations on August 4 and 5."

DNR Response: DRMS was acting as a consultant on the Red and Bonita mine only and was not involved with directing work at the Gold King. DRMS personnel were observers only with respect to the August 5 events and were not present at the time of the release.

5) EPA Internal Review Team Report, page 7: "The DRMS experts indicated that similar techniques have been employed at other similar mine sites. One DRMS expert noted that a similar investigation technique was implemented at the Captain Jack Mine in Colorado but did not result in a blowout."

DNR Response: It is true that an impoundment was decanted this way. The method has worked, but at sites where there was no overpressure. Again, however, this information was provided to EPA as general advice only and not for the purpose of managing, directing, or authorizing any activity at Gold King.

6) EPA Internal Review Team Report, page 8: "The EPA site removal investigation team had consulted with and had the field support of DRMS."

DNR Response: DRMS was consulting on bulkhead design and underground inspections at the Red and Bonita mine. EPA asked DRMS informally in the field for ideas on techniques for rehabilitation of the Gold King portal and related inner-mine matters that might be addressed after the mine was dewatered. DRMS neither offered an opinion about nor investigated the amount of water impounded at the Gold King or the water pressure that might be present, nor was it authorized to direct or manage any of the Gold King work.

On Thursday August 27, EPA released several more documents, at least one of which likewise contains elements requiring a response. One memo, dated Aug. 12, 2015, was prepared by Weston Solutions' Superfund Technical Assessment and Response Team and has the subject, "Gold King Mine Investigation and Blowout Event." On page 2, the memo states, "On August 4, 2015 (name redacted) EPA OSC arrived on site at 08:45 and (name redacted) from Colorado Division of Mining Reclamation and Safety (DRMS) arrived at the Gold King at 09:45. (Redacted) discussed how to proceed with the site. Per their instruction, the ERRS contractor began excavating the collapse area while minimizing water discharge at 10:30." Due in part to the redactions, this passage is unclear as to who discussed how to proceed at the site, and who provided instruction to the ERRS contractor. To be clear, DRMS staff member (b)(6), (b)(7)(C)

dropped by the mine on (b) (6), (b) (7)(C) way to Red and Bonita on the morning of Aug. 4, 2015 after the excavation by ERRS had commenced. (b) (6), (b) (7)(C) was not authorized to instruct ERRS to take any actions, and (b) (6), (b) (7)(C) did not do so.

The Weston Solutions memo also states on page 2, "DRMS personnel (names redacted) and the EPA OSC (name redacted) discussed the mine adit situation and determined that excavation should be continued. DRMS said due to the severity of the collapse a series of plates might need to be used to build the 10 foot culvert further back into the mine beyond the collapse to allow dewatering and water treatment." While assessing sites in the area, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) were at the Gold King site the morning of August 5 at EPA's invitation, but their visit had nothing to do with work on the Gold King adit that morning and they did not determine or advise that excavation of the adit should be continued. While they did offer expertise on liner plates which would be used on a later date to support the adit after the portal was cleared, they did not advise on water pressure, dewatering, or water treatment.

To summarize, DRMS has worked collaboratively with EPA toward the shared objective of improving water quality in the Upper Animas River Watershed. EPA initiates the requests for consultation which are advisory in nature and typically informal. While there is a more formal arrangement at the Red and Bonita for consultation on inner mine workings, operations at Gold King were entirely under EPA management using EPA contractors on an EPA response action pursuant to the federal Comprehensive Environmental Response Compensation and Liability Act.

I hope this information is helpful. Please do not hesitate to contact me if you would like to discuss.

(b) (6), (b) (7)(C)



COLORADO
Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

February 5, 2015

(b)(6), (b)(7)(C)

Program Support Office
1595 Wynkoop Street
Denver, Colorado 80202-1129

RE: Grant Application for Upper Animas Watershed Mines - Red and Bonita Mine

Dear (b)(6), (b)(7)(C)

Enclosed is the Colorado Division of Reclamation, Mining and Safety's grant application for the project titled "Upper Animas Watershed Mines - Red and Bonita Mine."

Please let us know if you have any questions during the review.

Thank you.

Sincerely,

(b)(6), (b)(7)(C)

Grants Officer

cc:

(b)(6), (b)(7)

EPA

(b)(6), (b)(7)(C)

DRMS

DRMS

DRMS

1313 Sherman Street, Room 215, Denver, CO 80203 P 303.866.3567 F 303.832.8106 <http://mining.state.co.us>
John W. Hickenlooper, Governor | Mike King, Executive Director | Virginia Brannon, Director



24 pages of grant documents withheld: non-OIG records

Exhibit 7



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

TWO POTOMAC YARD
2733 SOUTH CRYSTAL DRIVE
ARLINGTON, VA 22202

MEMORANDUM OF INTERVIEW

Interview Date:	October 9, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C) EPA
Interview Location:	(b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	None

On October 9, 2015, (b) (6), (b) (7)(C) this office, interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Environmental Protection Agency (EPA), (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). The purpose of this interview was to obtain background information concerning an EPA summary report named, "EPA Internal Review of the August 5, 2015 Gold King Mine (GKM) Blowout," dated August 24, 2015. A complaint was received from the Colorado Department of Natural Resources (DNR) stating that the EPA report was inaccurate and that contrary to the report the Colorado Division of Reclamation and Mining Safety (DRMS) did not manage, assess, or approve any work at the GKM. (b) (6), (b) (7)(C) Prior to the interview the interviewing agents identified themselves as with the EPA's Office of Inspector General.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

the group was only concerned with the "pre-blowout" time period of the GKM and not involved with anything "post-blowout." (b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)

team was only given one week to complete their report.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) that no one person was the approver of the internal report and that all the team members were involved with its drafting. (b) (6), (b) (7)(C)

all the team members were involved with the report's (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) allowed the interviewing agents to make a copy of (b) (6) notes from the GKM summary report (Attached).

Attachment(s)

1. Copy of (b) (6), Notes Concerning the Gold King Mine Summary Report

Attachment(s)

1. Copy of (b) (6), (b) (7)(C) the Gold King Mine Summary Report



(b) (6), (b) (7)(C) pdf

16 pages of handwritten notes withheld in full under Exemptions 5, 6, and 7C

Exhibit 8



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

1200 SIXTH AVENUE, SUITE 1920
SEATTLE, WA 98101

MEMORANDUM OF INTERVIEW

Interview Date:	October 1, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Telephonic
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	N/A

On October 1, 2015, (b) (6), (b) (7)(C), (b) (6), (b) (7), Office of Inspector General, U.S. Environmental Protection Agency, Seattle, Washington, conducted a telephone interview of EPA employee (b) (6), (b) (7)(C). The purpose of this interview was to obtain additional information regarding the August 24, 2015, *Summary Report: EPA Internal Review of the August 5, 2015 Gold King Mine Blowout*. After law enforcement identities were provided and the purpose of the interview was explained, (b) (6), (b) (7) agreed to the interview and provided the following information:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) understood the review team to be a "multi-disciplinary team" of engineers and geologists. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) the charge of the internal review team was to generate a report documenting the internal review teams' understanding of all the events surrounding the blowout at the Gold King Mine (GKM). (b) (6), (b) (7) emphasized the extremely short turn-around time requirement for this report. Once the Summary Report was completed and reviewed by the team members, (b) (6), (b) (7) understood the report was briefly reviewed by EPA employee (b) (6), (b) (7)(C) and ultimately provided to (b) (6), (b) (7)(C) Office of

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Page 1

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Solid Waste and Emergency (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Responses to Colorado Department of Natural Resources Letter

1) *EPA Internal Review Team Report, page 6: "For the Adit, a determination of no or low mine water pressurization was made by experienced professionals from EPA and the DRMS."*

DNR Response: DRMS did not make any determination of mine water pressure at the Gold King mine.

(b) (6), (b) (7)(C)

2) *EPA Internal Review Team Report, page 6: "The DRMS experts (b) (6), (b) (7)(C), who supported the removal investigation,..."*

DNR Response: DRMS staff did not support the removal investigation at the Gold King. DRMS's role in the area was to support work at Red and Bonita and monitor any effects work at the Red and Bonita might have on mines in the vicinity.

(b) (6), (b) (7)(C)

3) *EPA Internal Review Team Report, page 6: "The Animas River Stakeholders Group had been given a presentation by (b) (6), (b) (7)(C) with DRMS, as documented in the May ASRG meeting summary."*

DNR Response: (b) (6), (b) (7)(C) meeting of the Animas River Stakeholders Group was on the Red and Bonita bulkhead design only.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

4) *EPA Internal Review Team Report, page 6: "The DRMS experts supported the removal investigation at the Adit and were present at the site during the operations on August 4 and 5."*

DNR Response: DRMS was acting as a consultant on the Red and Bonita mine only and was not involved with directing work at the Gold King. DRMS personnel were observers only with respect to the August 5 events and were not present at the time of the release.

(b) (6), (b) (7)(C)

Attachments:

1. ASRG May 27, 2015, Meeting Summary provided by (b) (6), (b) (7) on October 1, 2015.



ASRG May 27 2015
meeting summary.pdf

2. Documents provided by (b) (6), (b) (7) on October 1, 2015.



ASRG Jan 27 2015
meeting summary.pdf



Attachment G - Photo
Log from 2014 and 2015



EPA MNT Gold King
Internal Review Attachment



EPA NMT Gold King
Internal Review Report BF2008_Permanent Po



Gold King
Internal Review Report BF2008_Permanent Po



Gold King Mine
Memorandum



GoldKing
BF2009_Closeout.pdf

6 pages withheld in full under Exemption 5, 6, and 7(C): ARGs Meeting Summaries, Jan 27, 2015 and May 27, 2015

Attachment G: Gold King Assessment – Photo Log from Epaosc.org

Attachment G: Gold King Assessment – Photo Log from Epaosc.org

Description: Collapsed timbers uncovered.

Category: 2015

Latitude: 37.894578

Date Taken: 8/5/2015

Longitude: -107.63832

Tags:



Description: Ongoing 2015 investigation work.

Category: 2015

Latitude: 37.894578

Date Taken: 8/4/2015

Longitude: -107.63832

Tags:



Description: 2015 investigation progress check

Category: 2015

Latitude: 37.894578

Date Taken: 8/4/2015

Longitude: -107.63832

Tags:



Description: Adit excavation work 2015.

Category: 2015

Latitude: 37.894578

Date Taken: 8/4/2015

Longitude: -107.63832

Tags:



Description: Initial investigation work in 2015.

Category: 2015

Latitude: 37.894578

Date Taken: 7/29/2015

Longitude: -107.63832

Tags:



Gold King Assessment

Photo Log

Description: 2015 initial site conditions, facing northeast

Category: 2015

Latitude: 37.894578

Date Taken: 7/28/2015

Longitude: -107.63832

Tags:



Description: 2015 initial site conditions, facing west.

Category: 2015

Latitude: 37.894518

Date Taken: 7/14/2015

Longitude: -107.63863

Tags:



Description: Restored berm 2014 with added drainage pipes in foreground.

Category: 2014

Latitude: 37.8944933333333

Date Taken: 9/12/2014

Longitude: -107.6383883333333

Tags:



Description: Installation of new pipes to collect adit discharge.

Category: 2014

Latitude: 37.894615

Date Taken: 9/12/2014

Longitude: -107.63838

Tags:



Description: Excavation progress 2014. Metal pipes that previously conveyed water to the concrete channel are exposed.

Category: 2014

Latitude: 37.895345

Date Taken: 9/12/2014

Longitude: -107.6381633333333

Tags:



Gold King Assessment

Photo Log

Description: 2014 excavation work.

Category: 2014

Latitude: 37.89361

Date Taken: 9/11/2014

Longitude: -107.638153333333

Tags:



Description: 2014 excavation work.

Category: 2014

Latitude: 37.893685

Date Taken: 9/11/2014

Longitude: -107.638411666667

Tags:



Description: Gold King Mine discharge flowing east in half pipe channel during preparations for 2014 site work.

Category: 2014

Latitude: 37.89451

Date Taken: 9/11/2014

Longitude: -107.638383333333

Tags:



Description: Water flowing slowly from opening 100 feet west of main Gold King Mine adit.

Category: 2014

Latitude: 37.894629

Date Taken: 9/11/2014

Longitude: -107.638679

Tags:



Description: Gold King Mine prior to 2014 site work

Category: 2014

Latitude: 37.89454

Date Taken: 9/11/2014

Longitude: -107.638261666667

Tags:



Description:

Gold King Assessment

Photo Log

Gold King Mine prior to 2014 site work. Water flowed to a concrete channel, through a flume (by white plastic structure at right), to a half pipe channel, and down the east face of the waste rock dump to North Fork Cement

Category: 2014

Latitude: 37.894561

Date Taken: 8/27/2014

Longitude: -107.638486

Tags:



Records publicly available at

[https://www.epa.gov/sites/production/files/2015-08/documents/
epa_mnt_gold_king_internal_review_attachments_a-f_aug_24_2015.pdf](https://www.epa.gov/sites/production/files/2015-08/documents/epa_mnt_gold_king_internal_review_attachments_a-f_aug_24_2015.pdf)

[https://www.epa.gov/sites/production/files/2015-09/documents/
epa_mnt_gold_king_internal_review_attachments_a-g.pdf](https://www.epa.gov/sites/production/files/2015-09/documents/epa_mnt_gold_king_internal_review_attachments_a-g.pdf)

<https://www.epa.gov/sites/production/files/2015-10/documents/1570604.pdf>

[https://www.epa.gov/sites/production/files/2015-08/documents/
gold_king_bf2008_permanent_portal_discharge_diversion_structure_closeout.pdf](https://www.epa.gov/sites/production/files/2015-08/documents/gold_king_bf2008_permanent_portal_discharge_diversion_structure_closeout.pdf)

EPA Internal Review of August 5, 2015 Gold King Mine Blowout
available at

[https://www.epa.gov/sites/production/files/2015-08/documents/
new_epa_nmt_gold_king_internal_review_report_aug_24_2015
fnldated_redacted.pdf](https://www.epa.gov/sites/production/files/2015-08/documents/new_epa_nmt_gold_king_internal_review_report_aug_24_2015_fnldated_redacted.pdf)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

08/24/2015

OFFICE OF SOLID WASTE
AND EMERGENCY
RESPONSE

MEMORANDUM

SUBJECT: Transmittal of EPA Internal Gold King Mine Review Report

FROM: EPA Internal Review Team

TO: Mathy Stanislaus, Assistant Administrator

This memorandum transmits the EPA internal review team's Gold King Mine release report, which was prepared pursuant to the team's charter.

The team, comprised of regional and Headquarters staff, developed this report by undertaking a one-week rapid assessment of the Gold King Mine blowout. The review's assessment activities entailed:

- Conducting a site visit to the Gold King Mine;
- Reviewing key documents provided by Region 8, along with other publically available (via the Internet) documents, maps and photos;
- Interviewing key personnel from the EPA and the State of Colorado Division of Reclamation Mining and Safety (DRMS) involved in the planning and implementation of the site's removal assessment activities.

If you have any questions or would like clarification about the report, please call (b) (6), (b) (7)(C)

(b)(6), (b)(7)(C)

cc: (b) (6), (b) (7)(C), OSWER
(b) (6), (b) (7)(C), OSWER
(b) (6), (b) (7)(C) OSRTI
(b) (6), (b) (7)(C), OSRTI